

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

In re	§	Case No. 21-70009
	§	
JOSIAH'S TRUCKING LLC	§	(Involuntary Proceeding)
	§	
Alleged Debtor.	§	

PETITIONING CREDITORS' WITNESS AND EXHIBIT LIST

Main Case No: 21-70009	Name of Debtor: Josiah's Trucking LLC
Witnesses:	
Rosemary Rodriguez	Judge: Eduardo V. Rodriguez
Catherine Stone Curtis, Interim Trustee	Courtroom Deputy: Ana Castro
Skylar Walker, Bond & Bond Auctioneers	Hearing Date: Thursday, February 25, 2021
Any witness called by any other party	Hearing Time: 2:30 p.m.
Rebuttal Witnesses if needed	Party's Name: The Petitioning Creditors are: Sonia Tellez, Carlos Tellez and Rosemary Rodriguez, Individually and as next friend of I. Tellez, a minor
	Attorney's Name: Shelby A. Jordan
	Attorney's Phone: (361) 884-5678
	Nature of Proceeding: #26 – Emergency Motion to Compel Alleged Debtor to Turn Over Property of the Estate #32 – Motion of Josiah's Trucking LLC to Dismiss Involuntary Petition Pursuant to 11 U.S.C. § 303 #48 – Amended Motion of Josiah's Trucking LLC to Dismiss Involuntary Petition Pursuant to 11 U.S.C. § 303 #39 – Emergency Motion of Josiah's Trucking LLC to Convert Chapter 11, Which is Filed in the Alternative Subject to and Without Waiving Josiah's Trucking LLC's Motion to Dismiss

EXHIBITS

Ex. #	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
1.	Federal Express Receipts to Interested Parties and potential Debtor with copy of Involuntary Petition and Motion	2/2/21 by Shelby Jordan		Admitted at 2/2/21 hearing	
2.	1/26/21 Emails to Interested Parties with Involuntary Petition and Motion	2/2/21 by Shelby Jordan		Admitted at 2/2/21 hearing	
3.	1/27/21 Email to Settling Parties and Brooklyn Specialty regarding Hearing Notice for 2/2/21	2/2/21 by Shelby Jordan		Admitted at 2/2/21 hearing	
4.	1/4/21 Plaintiffs' Original Petition for Petitioning Creditors	2/2/21 by Shelby Jordan		Judicial Notice Admission at 2/2/21 hearing	
5.	1/7/21 Letter from Brooklyn Specialty Insurance Co re: Notice of Intent to Repair Vehicle and Offer to Inspect Vehicle	2/2/21 by Shelby Jordan	2/2/21 by Matthew Okin & Jason Powers	Admitted at 2/2/21 hearing	
6.	12/29/20 Cardenas spoliation letter to Brooklyn Specialty and Josiah's	2/2/21 by Shelby Jordan	2/2/21 by Matthew Okin & Jason Powers	Admitted at 2/2/21 hearing	
7.	1/12/21 Brooklyn Specialty email to Cardenas advising that policy limits have been exhausted	2/2/21 by Shelby Jordan	2/2/21 by Matthew Okin & Jason Powers	Admitted at 2/2/21 hearing as to policy limits being exhausted	
8.	Declaration of Counsel for the Petitioning Creditors	2/2/21 by Shelby Jordan	2/2/21 by Matthew Okin & Jason Powers		2/2/21 Shelby Jordan withdrew offer
9.	Declaration of Petitioning Creditor Rosemary Rodriguez, Individually and as Next Friend of I. Tellez, a minor	2/2/21 by Shelby Jordan	2/2/21 by Matthew Okin & Jason Powers		2/2/21 Shelby Jordan withdrew offer

Ex. #	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
10.	Police Report of 12/19/2020 accident				
11.	Order for the Appointment of an Interim Trustee [Docket #15]				
12.	First Written Demand, Pulman, Cappuccio & Pullen, LLP to Josiah's Trucking, LLC dated 2/5/21				
13.	Receipts for Delivery of First Written Demand				
14.	Second Written Demand, Pulman, Cappuccio & Pullen, LLP to Josiah's Trucking, LLC dated 2/9/21				
15.	Receipts for Delivery of Second Written Demand				
16.	Trustee Certificate of Service of Order Setting Hearing [Docket #28]				
17.	Judicial notice of all filings				
18.	Rebuttal exhibits as need by Petitioning Creditors				

Respectfully Submitted:

/s/ Shelby A. Jordan

SHELBY A. JORDAN

State Bar No. 11016700

S.D. No. 2195

ANTONIO ORTIZ

State Bar No. 24074839

S.D. No. 1127322

Jordan, Holzer & Ortiz, P.C.

500 North Shoreline Blvd., Suite 900

Corpus Christi, TX 78401

Telephone: (361) 884-5678

Facsimile: (361) 888-5555

Email: sjordan@jhwclaw.com

aortiz@jhwclaw.com

COUNSEL FOR PETITIONING CREDITORS

CERTIFICATE OF SERVICE

I certify that, on February 23, 2021, a true and correct copy of the foregoing Witness and Exhibit List and the associated exhibits was served on all parties who receive service in the above-captioned proceeding via the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas as listed below.

Elizabeth M. Guffy (Via ECF)
Simon R. Mayer
Locke Lord LLP
600 Travis Street, Suite 2800
Houston, Texas 77002
Email: Eguffy@lockelord.com
Simon.Mayer@lockelord.com

Attorney for Catherine Stone Curtis, Interim Trustee

Catherine Stone Curtis (Via ECF)
Pulman, Cappuccio & Pullen, LLP
P.O. Box 720788
McAllen, Texas 78504
Email: ccurtis@pulmanlaw.com
Chapter 7 Trustee

Antonio Villeda (Via ECF)
Mark Talbot
Villeda Law Group
6316 North 10th Street, Bldg. B
McAllen, TX 78504
Telephone: (956) 631-9100
Facsimile: (956) 631-9146
Email: avilleda@mybusinesslawyer.com
mtalbot@mybusinesslawyer.com
Attorney for Josiah's Trucking LLC

Jason A. Powers (Via ECF)
Lewis Bisbois Bisgaard & Smith, LLP
24 Greenway Plaza Drive, Suite 1400
Houston, TX 77046
Telephone: (713) 659-6767
Facsimile: (713) 759-6830
Email: Jason.powers@lewisbrisbois.com
Attorney for Brooklyn Specialty Insurance Company RRG, Inc.

Alicia L. Barcomb (Via ECF)
United States Department of Justice
Office of the United States Trustee
515 Rusk Street, Suite 3516
Houston, Texas 77002
Email: Alicia.mccullar@usdoj.gov
US Trustee

/s/ Shelby A. Jordan
Shelby A. Jordan



TRACKING ID

772735406457



ADD NICKNAME

Delivered
Wednesday, January 27, 2021 at 9:01 am



DELIVERED

Signature not required

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

Chrystal Madden

500 N. Shoreline Blvd.
Suite 900CORPUS CHRISTI, TX US 78401
361-884-5678

TO

David Vasquez, Reg Agent

Josiahs Trucking LLC

7612 Petirrojo Street
EDINBURG, TX US 78542
956-685-3067

Shipment Facts

TRACKING NUMBER

772735406457

SERVICE

FedEx First Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERY ATTEMPTS

1

DELIVERED TO

Residence

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

2051.001

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday, Residential Delivery

SHIP DATE

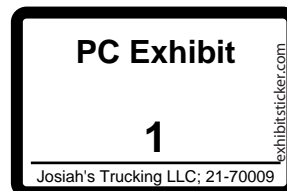
1/26/21 ?

STANDARD TRANSIT

1/27/21 by 9:30 am ?

ACTUAL DELIVERY

1/27/21 at 9:01 am



Travel History

TIME ZONE

Local Scan Time



Wednesday, January 27, 2021

9:01 AM	EDINBURG, TX	Delivered Package delivered to recipient address - release authorized
7:29 AM	HARLINGEN, TX	At local FedEx facility
7:29 AM	HARLINGEN, TX	On FedEx vehicle for delivery
7:09 AM	HARLINGEN, TX	At destination sort facility
4:54 AM	MEMPHIS, TN	Departed FedEx location
12:17 AM	MEMPHIS, TN	Arrived at FedEx location

Tuesday, January 26, 2021

6:47 PM	CORPUS CHRISTI, TX	Left FedEx origin facility
5:17 PM	CORPUS CHRISTI, TX	Picked up
2:28 PM		Shipment information sent to FedEx



TRACKING ID

772735536794



ADD NICKNAME

Delivered
Wednesday, January 27, 2021 at 8:20 am



DELIVERED

Signature not required

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

Chrystal Madden

500 N. Shoreline Blvd.
Suite 900CORPUS CHRISTI, TX US 78401
361-884-5678

TO

Ana Gomez

3707 E. US Bus. Hwy. 83
Lot 215Donna, TX US 78537
361-884-5678

Shipment Facts

TRACKING NUMBER

772735536794

SERVICE

FedEx First Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERY ATTEMPTS

1

DELIVERED TO

Residence

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

2051.001

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday, Residential Delivery

SHIP DATE

1/26/21 ?

STANDARD TRANSIT

1/27/21 by 9:00 am ?

ACTUAL DELIVERY

1/27/21 at 8:20 am

Travel History

TIME ZONE

Local Scan Time



Wednesday, January 27, 2021

8:20 AM	Donna, TX	Delivered Package delivered to recipient address - release authorized
7:30 AM	HARLINGEN, TX	On FedEx vehicle for delivery
7:30 AM	HARLINGEN, TX	At local FedEx facility
7:09 AM	HARLINGEN, TX	At destination sort facility
4:54 AM	MEMPHIS, TN	Departed FedEx location
12:17 AM	MEMPHIS, TN	Arrived at FedEx location

Tuesday, January 26, 2021

6:47 PM	CORPUS CHRISTI, TX	Left FedEx origin facility
5:17 PM	CORPUS CHRISTI, TX	Picked up
2:34 PM		Shipment information sent to FedEx



TRACKING ID

772735448041



ADD NICKNAME

Delivered
Wednesday, January 27, 2021 at 8:18 am



DELIVERED

Signed for by: M.AMBER



GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

Chrystal Madden
500 N. Shoreline Blvd.
Suite 900
CORPUS CHRISTI, TX US 78401
361-884-5678

TO

Brooklyn Specialty Insurance Co RRG
Brooklyn Specialty Insurance Co RRG
5630 University Pkwy
Winston-Salem, NC US 27105
503-465-3019

Shipment Facts

TRACKING NUMBER

772735448041

SERVICE

FedEx First Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERY ATTEMPTS

1

DELIVERED TO

Mailroom

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

2051.001

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday

SHIP DATE

1/26/21 ?

STANDARD TRANSIT

1/27/21 by 8:30 am ?

ACTUAL DELIVERY

1/27/21 at 8:18 am

PC_000009

Travel History

TIME ZONE

Local Scan Time



Wednesday, January 27, 2021

8:18 AM	Winston-Salem, NC	Delivered
7:04 AM	WINSTON SALEM, NC	On FedEx vehicle for delivery
7:02 AM	WINSTON SALEM, NC	At local FedEx facility
6:41 AM	GREENSBORO, NC	At destination sort facility
4:37 AM	MEMPHIS, TN	Departed FedEx location
12:17 AM	MEMPHIS, TN	Arrived at FedEx location

Tuesday, January 26, 2021

6:47 PM	CORPUS CHRISTI, TX	Left FedEx origin facility
5:17 PM	CORPUS CHRISTI, TX	Picked up
2:30 PM		Shipment information sent to FedEx



TRACKING ID

772735556590



ADD NICKNAME

Delivered
Wednesday, January 27, 2021 at 8:45 am



DELIVERED

Signature not required

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

Chrystal Madden

500 N. Shoreline Blvd.
Suite 900CORPUS CHRISTI, TX US 78401
361-884-5678

TO

Reyes Adrian Ortiz

1000 Darlene Avenue
WESLACO, TX US 78599
361-884-5678

Shipment Facts

TRACKING NUMBER

772735556590

SERVICE

FedEx First Overnight

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERY ATTEMPTS

1

DELIVERED TO

Residence

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

SHIPPER REFERENCE

2051.001

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday, Residential Delivery

SHIP DATE

1/26/21 ?

STANDARD TRANSIT

1/27/21 by 9:00 am ?

ACTUAL DELIVERY

1/27/21 at 8:45 am

Travel History

TIME ZONE

Local Scan Time



Wednesday, January 27, 2021

8:45 AM	WESLACO, TX	Delivered Package delivered to recipient address - release authorized
7:30 AM	HARLINGEN, TX	On FedEx vehicle for delivery
7:30 AM	HARLINGEN, TX	At local FedEx facility
7:09 AM	HARLINGEN, TX	At destination sort facility
4:54 AM	MEMPHIS, TN	Departed FedEx location
12:17 AM	MEMPHIS, TN	Arrived at FedEx location

Tuesday, January 26, 2021

6:47 PM	CORPUS CHRISTI, TX	Left FedEx origin facility
5:17 PM	CORPUS CHRISTI, TX	Picked up
2:35 PM		Shipment information sent to FedEx

Subject: Josiah's Trucking LLC; 21-70009
Date: Tuesday, January 26, 2021 at 3:40:49 PM Central Standard Time
From: Chrystal Madden
To: office@381help.com
CC: Shelby Jordan, Luis Cardenas, Kay Walker, ccurtis@pulmanlaw.com
Attachments: #1 Involuntary Petition.pdf, #3 Emerg Mt for O Apt Trustee.pdf, image001.png, image002.png, Notice Ltr 1-26-21 Settling Parties.pdf

Good Afternoon Mr. Solis,

Attached please find courtesy copies of the Involuntary Chapter 11 Petition and Emergency Motion for an Order Appointing an Interim Trustee. If you have an email address for Mr. Sorrells please forward same to me.

Thank you for your kind attention to this matter.

Chrystal Madden

Legal Assistant to

Shelby A. Jordan and Antonio Ortiz



Jordan,
Holzer
& Ortiz, P.C.

500 North Shoreline Blvd., Suite 900

Corpus Christi, TX 78401

Phone: (361) 884-5678

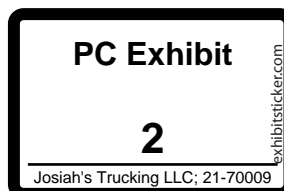
Direct Line: (361) 653-6618

Fax: (361) 888-5555

E-mail: cmadden@jhwclaw.com



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Subject: FW: Josiah's Trucking LLC; 21-70009
Date: Tuesday, January 26, 2021 at 3:41:50 PM Central Standard Time
From: Chrystal Madden
To: claims@BrooklynSpecialty.com
Attachments: #1 Involuntary Petition.pdf, #3 Emerg Mt for O Apt Trustee.pdf, image001.png, image002.png

Good Afternoon Madam or Sir:

Attached please find courtesy copies of the Involuntary Chapter 11 Petition and Emergency Motion for an Order Appointing an Interim Trustee.

Thank you for your kind attention to this matter.

Chrystal Madden

Legal Assistant to

Shelby A. Jordan and Antonio Ortiz



Jordan,
Holzer
& Ortiz, P.C.

500 North Shoreline Blvd., Suite 900

Corpus Christi, TX 78401

Phone: (361) 884-5678

Direct Line: (361) 653-6618

Fax: (361) 888-5555

E-mail: cmadden@jhwclaw.com



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Subject: 21-70009; Josiah's Trucking, LLC - Order Setting Hearing for 2/2/21
Date: Wednesday, January 27, 2021 at 10:31:20 AM Central Standard Time
From: Chrystal Madden
To: daniel@381help.com, rogelio@381help.com, claims@brooklynspecialty.com
CC: Shelby Jordan, Luis Cardenas, Kay Walker, ccurtis@pulmanlaw.com
Priority: High
Attachments: 1.27.21 letter regarding hearing date.pdf, image001.png, image002.png, Josiah'sTrucking #5.pdf

Good Morning Madam and Sir:

Attached please find a letter enclosing a copy of an Order Setting Hearing for **Tuesday, February 2, 2021 at 9:30 a.m.** All instructions are in the attached Order for attendance at the hearing.

Thank you for your kind attention to this matter.

Chrystal Madden

Legal Assistant to

Shelby A. Jordan and Antonio Ortiz



Jordan,
Holzer
& Ortiz, P.C.

500 North Shoreline Blvd., Suite 900

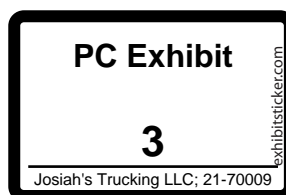
Corpus Christi, TX 78401

Phone: (361) 884-5678

Direct Line: (361) 653-6618

Fax: (361) 888-5555

E-mail: cmadden@jhwclaw.com



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CAUSE NO. **C-0029-21-D**

SONIA TELLEZ, CARLOS TELLEZ	§	IN THE DISTRICT COURT
AND ROSE MARY RODRIGUEZ,	§	
INDIVIDUALLY AND AS NEXT	§	
FRIEND OF I. TELLEZ, A MINOR	§	
	§	
VS.	§	
	§	_____ JUDICIAL DISTRICT
JOSIAH'S TRUCKING, LLC,	§	
DAVID VASQUEZ, AND JUAN MANUEL	§	
CARRERA	§	HIDALGO COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Now come SONIA TELLEZ, CARLOS TELLEZ AND ROSE MARY RODRIGUEZ, INDIVIDUALLY AND AS NEXT FRIEND OF I. TELLEZ, A MINOR (hereafter collectively referred to as "PLAINTIFFS") complaining of JOSIAH'S TRUCKING, LLC, DAVID VASQUEZ AND JUAN MANUEL CARRERA (hereafter "DEFENDANTS") and in support thereof would respectfully show the Court as follows:

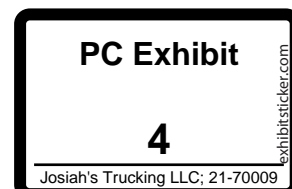
I.**DISCOVERY CONTROL PLAN**

Discovery is intended to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

II.**PARTIES**

1. Plaintiff Sonia Tellez is a citizen and resident of the State of Texas. Plaintiff Sonia Tellez is the surviving mother of decedent, Carlos A. Tellez, Jr.

2. Plaintiff Carlos Tellez is a citizen and resident of the State of Texas. Plaintiff is the father of decedent, Carlos Tellez, Jr.



C-0029-21-D

3. Plaintiff Rose Mary Rodriguez is a citizen and resident of the State of Texas. Plaintiff is the spouse of decedent, Carlos Tellez, Jr. I. Tellez is the minor daughter of decedent, Carlos Tellez, Jr.

4. Defendant Josiah's Trucking, LLC is a domestic limited liability company doing business in Texas and has its principal place of business in Hidalgo County, Texas. Josiah's Trucking LLC can be served through its registered agent David Vasquez at 7612 Petirrojo St., Edinburg, Texas 78542.

5. Defendant David Vasquez is an individual who may be served with process at 7612 Petirrojo St., Edinburg, Texas 78542

6. Defendant Juan Manuel Carrera is an individual who may be served with process and resides at 7513 Lilia St, Pharr, Texas 78577.

III.**VENUE**

7. Venue is proper in Hidalgo County, pursuant to §15.002(a)(1) of the Texas Civil Practice and Remedies Code in that all or a substantial part of the events or omissions giving rise to the claim occurred in Hidalgo County.

IV.**FACTUAL ALLEGATIONS**

8. On December 19, 2020, Juan Manuel Carrerra ("Carrera") was driving a tractor-trailer combination, owned and controlled by JOSIAH'S TRUCKING LLC, and DAVID VASQUEZ, northbound on FM 493 in Edinburg, Texas. While entering a curve in the roadway, Carrera lost control of the tractor-trailer sending the trailer portion of the vehicle into the southbound lane. At that moment, Carlos Tellez, Jr., was travelling in a vehicle in the southbound

C-0029-21-D

lane on FM 493. The trailer portion of the tractor-trailer invaded the southbound lane striking Carlos Tellez, Jr., causing fatal injuries that led to his death.

V.**CAUSES OF ACTION**

9. Josiah's Trucking, David Vasquez and Juan Manuel Carrera were negligent by failing to exercise ordinary care in the operation of the tractor-trailer combination on the above-described occasion. Such negligence includes, but is not limited to: (a) failure to drive at a safe speed; (b) failure to drive in a safe manner; and (c) failure to safely negotiate a curved roadway given the conditions, along with other acts. Such negligence was a proximate cause of the occurrence in question, the death of Carlos Tellez, Jr., and all of Plaintiffs' damages resulting therefrom.

10. At all relevant times, Defendants are vicariously liable for the torts an employee committed in the course and scope of his employment under the doctrine of respondeat superior. Juan Manuel Carrera was operating the tractor-trailer in the course and scope of his employment with Josiah's Trucking, LLC and/or David Vasquez at the time of the incident. As such, Josiah's Trucking, LLC and/or David Vasquez are liable for Juan Manuel Carrera's negligence.

VI.**DAMAGES**

11. Plaintiff Sonia Tellez individually, is entitled to recover actual or compensatory damages from Defendants which resulted to her from the death of her son Carlos Tellez, Jr., including pecuniary loss, loss of companionship and society, mental anguish, and all other actual damages to which parents are entitled to under the Wrongful Death Statute. Such damages exceed the jurisdictional minimum of this court.

C-0029-21-D

12. Plaintiff Carlos Tellez is entitled to recover actual or compensatory damages from Defendants which resulted to said Plaintiff from the death of his son, Carlos Tellez, Jr., including pecuniary loss, loss of companionship and society, mental anguish, and all other actual damages to which parents are entitled under the Wrongful Death Statute. Such damages exceed the jurisdictional minimum of this court.

13. Plaintiff Rose Mary Rodriguez, Individually and As Next Friend of I. Tellez, is entitled to recover actual or compensatory damages from Defendants which resulted to said Plaintiff from the death of her husband and father of I. Tellez, Carlos Tellez, Jr., including pecuniary loss, loss of companionship and society, mental anguish, loss of inheritance, and all other actual damages to which spouses and children are entitled under the Wrongful Death Statute. Such damages exceed the jurisdictional minimum of this court.

VII.**REQUEST FOR JURY TRIAL**

14. Contemporaneous with the filing herewith, Plaintiffs have paid a jury fee and make demand that the case be brought before the jury for trial on all matters.

VIII.**REQUEST FOR DISCLOSURE**

15. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, within fifty days after service of this Request, Plaintiff requests that Defendants disclose the information or materials described in Rule 194.2 (a)-(l).

C-0029-21-D**IX.****STATEMENT PURSUANT TO T.R.C.P. 47**

16. Pursuant to T.R.C.P. 47, Plaintiff is seeking monetary relief over \$1,000,000.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Defendants be cited to appear and answer herein, and that upon a final hearing of the case, judgment be entered for the Plaintiffs against Defendants for actual and compensatory damages as set out above, for pre-judgment and post-judgment interest as allowed by law, for all costs of court and such other and further relief both general and special, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

ESCOBEDO & CARDENAS, LLP

1602 Dulcinea

Edinburg, Texas 78539

Telephone: (956) 630-2222

Telecopier: (956) 630-2223

Email: joe@escobedocardenas.com

Email: luis@escobedocardenas.com

BY: /s/ Luis Cardenas

Joe Escobedo

State Bar No.: 06665850

Luis Cardenas

State Bar No.: 24001837

ATTORNEYS FOR PLAINTIFFS

**Brooklyn Specialty Insurance Co.
Risk Retention Group, Inc.**
5630 University Parkway
Winston-Salem, NC 27105
Tele: (877) 870-9923
Email: info@brooklynspecialty.com
claims@brooklynspecialty.com

January 7, 2021

VIA E-MAIL AND CERTIFIED MAIL

Luis M. Cardenas
Escobedo & Cardenas LLP
1602 Dulcinea
Edinburg, TX 78539
E-Mail: luis@escobedocardenas.com
amparo@escobedocardenas.com

Re:	Your Client	:	The Family of Carlos M. Tellez
	Brooklyn's Insured	:	Josiah's Trucking LLC
	Brooklyn's Policy No.	:	ATP-4-062020 (6/19/20 to 6/19/21)
	Date of Loss	:	12/19/2020
	Location of Loss	:	Hidalgo County, TX

**NOTICE OF INTENT TO REPAIR VEHICLE
AND OFFER TO INSPECT VEHICLE PRIOR TO REPAIR**

Dear Mr. Cardenas:

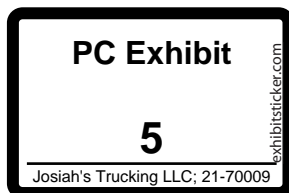
Brooklyn Specialty Insurance Co. Risk Retention Group, Inc. is the commercial auto liability insurance carrier for Josiah's Trucking LLC and its driver Juan Manuel Carrera. The 2015 Kenworth (VIN 1XKYDP9X1FJ448769) Mr. Carrera was reportedly operating at the time of the above loss is currently awaiting repairs at AT Wrecker, 93 E. Business 83, Alamo TX 78516, phone number: 956-787-3300.

If you would like to inspect the tractor or undertake other analysis of the tractor or its component parts prior to repair, please advise immediately and we will assist in making the arrangements.

Sincerely,

Rick Shaw

Rick Shaw
President
Brooklyn Specialty Insurance Co. Risk
Retention Group, Inc.



PC_000021



JOE ESCOBEDO*

joe@escobedocardenas.com

LUIS M. CARDENAS*

luis@escobedocardenas.com

December 29, 2020

VIA CMRRR

and FAX: (503) 772-4266

Brooklyn Specialty Insurance
5630 University Parkway
Winston-Salem, NC 27105

VIA CMRRR

and FAX: (956) 685-3067

Josiah's Trucking, LLC
7612 Petirrojo St.
Edinburg, Texas 78542

Re: December 18, 2020 crash in Edinburg, Texas

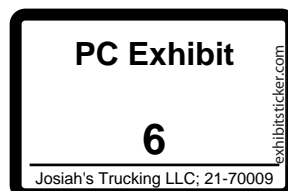
To Whom It May Concern:

This firm represents the family of Carlos M. Tellez, deceased. Mr. Tellez was the driver that was killed as a result of a crash with Josiah's Trucking tractor-trailer in Edinburg, Texas on December 18, 2020. Any further communications with our clients, relating to this incident should be directed to this office.

Our initial investigation has revealed that the tractor-trailer involved in this incident is owned and/or operated by Josiah's Trucking, LLC. In order to perform our investigation, we require the inspection of the tractor-trailer involved in the incident, while still in the same condition in which it was found at the time of the incident. For these reasons, we request that the tractor-trailer involved in the incident not be repaired, disassembled, or have any component parts replaced until it has been inspected by this firm. Any change or alteration to the tractor-trailer involved in this incident may be considered spoliation of evidence in any future legal proceedings.

Further, the purpose of this letter is to demand the preservation of the following evidence relating to this incident, your driver and your company:

1. All driver logbooks for the driver of the subject truck for the two years preceding the date of the incident;



*Board Certified Personal Injury Trial Law • Texas Board of Legal Specialization

December 29, 2020

Page 2

2. Any contracts, leases and agreements involving your truck and/or driver involved in this incident;
3. Bills of lading, consignor's shipping orders and shipping tickets regarding the load being transported at the time of the incident;
4. All fuel receipts, dispatch records, trip sheets and pay checks relating to the trip occurring at the time of the incident in question and preceding week;
5. All data relating to the electronic control module (ECM), black box, any onboard computer or other engine or system computer for the tractor-trailer involved in the incident for the day of the incident and the two years preceding the incident;
6. The actual electronic control module, black box, onboard computer, or other engine computer containing the data referred to in the preceding paragraph;
7. All computerized tracking information, including GPS and radar records for the driver and/or the tractor-trailer, including satellite tracking, driver messaging, dispatcher's sheets, registers, and other records pertaining to movement of the truck involved in the incident for the two (2) year period prior to the incident;
8. Driver qualification and personnel file of the driver of the subject tractor-trailer and all other personnel records, including all drug and alcohol testing records for the entire duration of his employment;
9. All driver vehicle inspection reports, repair documents, and certification of the driver's review for the tractor-trailer for the three (3) months prior to the incident;
10. All documents and reports relating to your drug and alcohol program, including any reports relating to the truck driver of the subject tractor-trailer for the last two (2) year period;
11. All company policies and guidelines (either in written form or in an audio/video format) relating to training and safety of your drivers;
12. All reports regarding any reported incidents involving the truck driver of the subject truck and/or your company for the last three (3) year period;
13. All periodic inspection reports for the tractor-trailer involved in this incident for the two (2) years prior to this incident;
14. Any and all other documents or tangible items in your control regarding this incident, your driver or the tractor-trailer involved in the above-referenced incident;
15. Any records relating to your company document, data and/or information retention policy; and

December 29, 2020


Page 2

16. The truck drivers personal and company provided cell phone and cell phone records for the day of the incident.

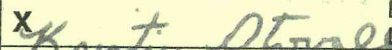

In the event that any of the above evidence is destroyed, lost or altered, please be advised that we will pursue destruction or spoliation of evidence remedies in any future legal proceedings.

Very truly yours,

ESCOBEDO & CARDENAS, L.L.P.


Luis Cardenas by Perm A. Price

LMC:ap

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: Brookly Specialty Ins 5630 University Parkway Winston-Salem, NC 27105		B. Received by (Printed Name) 	C. Date of Delivery
2. Article Number (Transfer from service label) 16 2070 0000 7372 1546		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9402 4913 9032 4014 28		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ <input type="checkbox"/> Return Receipt (electronic) \$ <input type="checkbox"/> Certified Mail Restricted Delivery \$ <input type="checkbox"/> Adult Signature Required \$ <input type="checkbox"/> Adult Signature Restricted Delivery \$	Postmark Here 
Postage \$ Total Postage and Fees \$	
Sent To Street and Apt. No., or PO Box No. City, State, ZIP+4®	
PC 000025	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Fuleja</i></p>	
<p>1. Article Addressed to:</p> <p><i>Isiah's Trucking LLC</i> <i>7612 Petirrojo St.</i> <i>Edinburg TX 78539</i></p> <p>9590 9402 4913 9032 4014 04</p>		<p>B. Received by (Printed Name)</p> <p><i>Fuleja</i></p>	<p>C. Date of Delivery</p> <p><i>12-31-20</i></p>
<p>2. Article Number (Transfer from card label)</p> <p>7015 1520 0003 5129 0263</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>			

7015 1520 0003 5129 0263

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
<p>For delivery information, visit our website at www.usps.com</p>	
<p>OFFICIAL USE</p>	
<p>Certified Mail Fee</p> <p>\$</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$</p> <p><input type="checkbox"/> Return Receipt (electronic) \$</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$</p> <p><input type="checkbox"/> Adult Signature, if Required \$</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$</p> <p>Postage \$</p> <p>Total Postage and Fees \$</p>	<p>Sent To <i>AP Slick</i></p> <p>City, State, ZIP+4®</p> <p>Street and Apt. No., or PO Box No.</p> <p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>
<p><i>Carlos</i> <i>Fille</i> <i>Spoilatin</i></p> <p>PC_000026</p>	



Send Result Report

MFP

TASKalfa 5052ci

Firmware Version 2ND_2000.004.405 2020.02.06

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 12/29/2020 11:37
 [2ND_1000.005.202] [2ND_1100.001.007] [2ND_7000.004.404]

Job No.: 009845

Total Time: 0°01'48"

Page: 004

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Document: doc20201229112419

ESCOBEDO & CARDENAS, LLP

1602 Dulcinea

Edinburg, Texas 78539

Telephone: (956) 630-2222 | Telecopier: (956) 630-2223

fax

TO:

FROM: Luis Cardenas/Amparo Price

COMPANY: Josiah's Trucking LLC

PAGES: 4

FAX NO. (956) 685-3067

DATE: December 29, 2020

RR: Carlos Tellez, Jr.

CC:

☐ Urgent☐ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

Comments: Please see attached notice letter. If you have any questions concerning this fax, please contact Amparo Price via email at amparo@escobedocardenas.com or 956 630 2222.

See attached letter.

This facsimile transmission may be confidential, attorney work product, and protected by the attorney-client privilege. If you are not the intended recipient, please deliver this transmission immediately to its intended recipient. If you have received this facsimile in error, please call the telephone number listed at the top of this page, collect, to arrange for return of the transmission to Escobedo & Cardenas, LLP.

No.	Date/Time	Destination	Times	Type	Result	Resolution/ECH
001	12/29/20 11:24	19568853067	0°01'48"	FAX	BUSY	200x100 Normal/Off

ESCOBEDO & CARDENAS, LLP

1602 Dulcinea

Edinburg, Texas 78539

Telephone: (956) 630-2222 | Telecopier: (956) 630-2223

fax

TO:

FROM: Luis Cardenas/Amparo Price

COMPANY:	Josiah's Trucking LLC	PAGES: 4
FAX NO.	(956) 685-3067	DATE: December 29, 2020
RE:	Carlos Tellez, Jr.	CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments: Please see attached notice letter. If you have any questions concerning this fax, please contact Amparo Price via email at amparo@escobedocardenas.com or 956-630-2222.

See attached letter.

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From: Claims <claims@brooklynspecialty.com>

Sent: Tuesday, January 12, 2021 2:16 PM

To: Luis Cardenas <luis@escobedocardenas.com>; Amparo Price <amparo@escobedocardenas.com>

Subject: RE: Tellez - Notice of Intent to Repair and Offer to Inspect Tractor

Mr. Cardenas:

The tractor and trailer are available for inspection on the date and time proposed. We are agreeable to the protocol, except for the provision allowing the removal of any of the control modules. If this is acceptable, please confirm in writing and we will notify the tow yard of the scheduled inspection.

Please be advised that the policy limits under Josiah's Trucking, LLC have been exhausted. Please advise if the inspection will go forward.

Thank you,

Julia

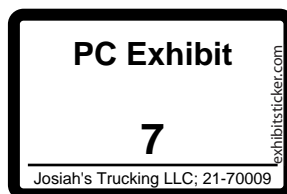
Brooklyn Specialty Insurance Co. RRG, Inc.

5630 University Parkway
Winston-Salem, NC 27105

(503) 465-3019 | Office

claims@BrooklynSpecialty.com

BrooklynSpecialty.com



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

In re	§	Case No. 21-70009
	§	
JOSIAH'S TRUCKING LLC	§	(Involuntary Proceeding)
	§	
Alleged Debtor.	§	

DECLARATION¹ OF COUNSEL FOR THE PETITIONING CREDITORS

I declare under penalty of perjury that the following is true and correct and within my personal knowledge. My name is Luis Cardenas and I am the lead attorney in the representation of the Petitioning Creditors Sonia Tellez, Carlos Tellez, and Rosemary Rodriguez, individually and as next friend of I. Tellez, a Minor.

I am personally familiar with the events described herein and with Petitioning Creditors' Exhibits 1 through 7 as each Exhibit constitutes a business record of my law firm and I am the custodian of documents for such records, all having been either authored by me, received by me and all being kept in the ordinary course of the business and my firm's regular practice pursuant to my supervision, the record was made at or near the time by or from information transmitted by someone with knowledge. Pursuant to Rule 803(6) I have caused a true and accurate copy of this Declaration to be furnished to all persons listed in the certificate of service.

Petitioning Creditors are all among a class of beneficiaries and/or representatives of victims, which include wrongful-death claims, arising from the negligent accident involving the Debtor's tractor-trailer. This accident occurred on December 19, 2020, Juan Manuel Carrera was driving a tractor-trailer combination, owned and controlled by Josiah's Trucking LLC and David Vasquez, northbound on FM 493 in Edinburg, Texas. When entering a curve in the roadway, Mr.

¹ This Declaration is made pursuant to 28 U.S.C. § 1746 and 32 C.F.R. 516.26 and as a certification pursuant to Rules 803(6) and certification pursuant to 902(11) Federal Rules of Evidence

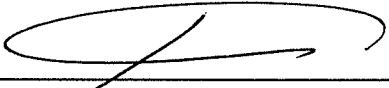
Carrera lost control of the tractor-trailer sending the trailer portion of the vehicle into the southbound lane. At that moment, Carlos Tellez, Jr., was travelling in a vehicle in the southbound lane on FM 493. The trailer portion of the tractor-trailer invaded the southbound lane striking Carlos Tellez, Jr., causing fatal injuries that led to his death. Anna Isabel Ortiz also sustained fatal injuries as a result of the Accident.

In my representation of the Petitioning Creditors, I have given prior notice on several occasions to the Debtor and Debtor's Insurance Carrier, Brooklyn Specialty Insurance Co. RRG, Inc., ("Carrier") through the various Exhibits 4 through 6, including filing suit and correspondence directly with the Carrier. On January 12, 2021 (long after the Petitioning Creditors' first notice of their injuries and damages to the Carrier), I received notice of payment that caused the exhaustion of all available proceeds of the Debtor's policies issued by the Carrier covering the injuries and damages of the Petitioning Creditors. This claim of exhaustion by the Carrier is purported to have occurred by payment to a single injured claimant and/or her beneficiaries (the driver of the vehicle in which Petitioning Creditors-parties suffered their injuries and damages) and occurred well after the Petitioning Creditors first notice of claim. At no time prior to the notice of exhaustion did the Carrier notify me or the Petitioning Creditors that it intended to pay all policy proceeds to a single injured party and beneficiaries and thus cause the Debtor to be unable to pay the Petitioning Creditors for their injuries.

The Petitioning Creditors, as beneficiaries and/or representatives of Carlos Tellez, Jr., who was a passenger in the automobile struck by the Debtor's tractor-trailer, have no less than the same, or more, evidence of liability for their injuries and evidence of their damages as the driver of the vehicle paid by the Carrier. The voluntary petition filed by the three (3) Petitioning Creditors discloses \$8 million in claims, which far exceed any possible payment that could be made by the

Debtor on the date and after the date of the injuries.

Further affiant sayeth not.



Luis Cardenas

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served to those parties listed below and/or those parties registered with the Court's electronic noticing system on February 1, 2021.

Josiah's Trucking LLC (Via U.S. mail)
c/o David Vasquez, Registered Agent
7612 Petirrojo Street
Edinburg, TX 78542

Brooklyn Specialty Insurance (via email: claims@brooklynspecialty.com)
Company RRG, Inc.
5630 University Pkwy
Winston-Salem, NC 27105

Rogelio Solis (Via email: rogelio@381help.com)
Daniel Sorrells (via email: daniel@381help.com)
Law Office of Rogelio Solis, PLLC
PO Box 2307
Edinburg, TX 78540

Attorney for Ana Gomez and Reyes Adrian Ortiz obo Anna Isabel Ortiz, deceased
Luis M. Cardenas (via email: luis@escobedocardenas.com)
Escobedo & Cardenas, L.L.P.
1602 Dulcinea
Edinburg, Texas 78539
Attorney for Sonia Tellez,
Carlos Tellez and Rose Mary
Rodriguez, Individually and
As Next Friend of I. Tellez, a minor

/s/ Shelby A. Jordan
Shelby A. Jordan

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

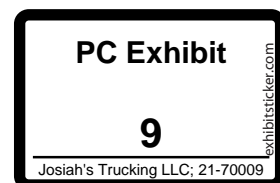
In re JOSIAH'S TRUCKING LLC Alleged Debtor.	§ § § §	Case No. 21-70009 (Involuntary Proceeding)
--	------------------------------	---

**DECLARATION¹ OF PETITIONING CREDITOR
ROSEMARY RODRIGUEZ, INDIVIDUALLY AND AS NEXT
FRIEND OF I. TELLEZ, A MINOR.**

I declare under penalty of perjury that the following is true and correct and within my personal knowledge. My name is ROSEMARY RODRIGUEZ and I am the wife of Carlos Tellez and the mother and Next Friend of I. Tellez, a Minor, and am one of the three (3) Petitioning Creditors, including Sona Tellez, Carlos Tellez.

Petitioning Creditors are all among a class of beneficiaries and/or representatives of victims, which include wrongful-death claims, arising from the negligent accident involving the Debtor's tractor-trailer. This accident occurred on December 19, 2020, Juan Manuel Carrera was driving a tractor-trailer combination, owned and controlled by Josiah's Trucking LLC and David Vasquez, northbound on FM 493 in Edinburg, Texas. When entering a curve in the roadway, Mr. Carrera lost control of the tractor-trailer sending the trailer portion of the vehicle into the southbound lane. At that moment, Carlos Tellez, Jr., was travelling in a vehicle in the southbound lane on FM 493. The trailer portion of the tractor-trailer invaded the southbound lane striking Carlos Tellez, Jr., causing fatal injuries that led to his death. Anna Isabel Ortiz also sustained fatal injuries as a result of the Accident.

¹ This Declaration is made pursuant to 28 U.S.C. § 1746 and 32 C.F.R. 516.26 and as a certification pursuant to Rules 803(6) and certification pursuant to 902(11) Federal Rules of Evidence



The Petitioning Creditors, as beneficiaries and/or representatives of Carlos Tellez in the automobile struck by the Debtor's tractor-trailer, all suffered their damages and injuries from the same event, same facts, and same occurrence, and have no less than the same, or more, evidence of liability for their injuries and evidence of their damages as the driver of the vehicle.

The voluntary petition filed by me and the two other Petitioning Creditors discloses \$8 million total in our personal injury claims. I understand that there are little assets of the Debtor's company and no other insurance, other than the proceeds of Debtor's Insurance policy issued by Brooklyn Specialty Insurance Co. RRG, Inc.

Further affiant sayeth not.



Rosemary Rodriguez

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served to those parties listed below and/or those parties registered with the Court's electronic noticing system on February 1, 2021.

Josiah's Trucking LLC (Via U.S. mail)
c/o David Vasquez, Registered Agent
7612 Petirrojo Street
Edinburg, TX 78542

Brooklyn Specialty Insurance (via email: claims@brooklynspecialty.com)
Company RRG, Inc.
5630 University Pkwy
Winston-Salem, NC 27105

Rogelio Solis (Via email: rogelio@381help.com)
Daniel Sorrells (via email: daniel@381help.com)
Law Office of Rogelio Solis, PLLC
PO Box 2307
Edinburg, TX 78540
Attorney for Ana Gomez and Reyes Adrian Ortiz obo Anna Isabel Ortiz, deceased

Luis M. Cardenas (via email: luis@escobedocardenas.com)
Escobedo & Cardenas, L.L.P.
1602 Dulcinea
Edinburg, Texas 78539
Attorney for Sonia Tellez,
Carlos Tellez and Rose Mary
Rodriguez, Individually and
As Next Friend of I. Tellez, a minor

/s/ Shelby A. Jordan
Shelby A. Jordan

☐ FATAL ☒ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Total
Num.
Units | | | 3

Total
Num.
Prsns. | | | 3

TxDOT
Crash ID 18030167.1
/2020526284



Texas Peace Officer's Crash Report (Form CR-3 1/1/2018)

Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457

Refer to Attached Code Sheet for Numbered Fields

*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.).

Page 1 of 4

IDENTIFICATION & LOCATION

VEHICLE, DRIVER, & PERSONS

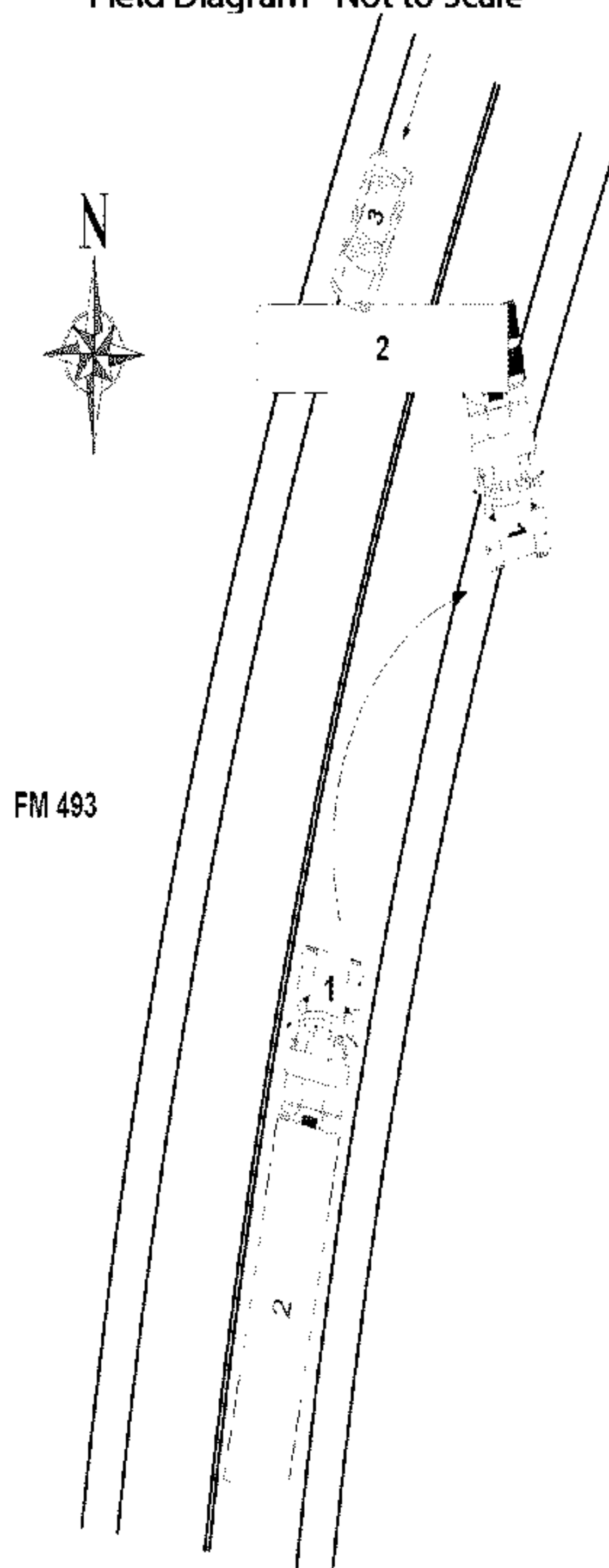
VEHICLE, DRIVER, & PERSONS

*Crash Date (MM/DD/YYYY) 1 2 / 1 9 / 2 0 2 0		*Crash Time (24HRMM) 0 0 2 1		Case ID 3223731		Local Use	
*County Name HIDALGO				*City Name		<input checked="" type="checkbox"/> Outside City Limit	
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Latitude (decimal degrees) 2 6 . 3 1 6 7 8		Longitude — (decimal degrees) 0 9 8 . 0 3 7 2 1			
ROAD ON WHICH CRASH OCCURRED							
*1 Rdwy. Sys. FM		*Hwy. Num. 493		2 Rdwy. Part 1		Block Num.	
3 Street Prefix		* Street Name		4 Street Suffix			
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot		<input type="checkbox"/> Toll Road/ Toll Lane		Speed Limit 55		Const. Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Workers Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc.					
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER							
At Int. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy. Sys. FM		Hwy. Num. 1925		2 Rdwy. Part 1	
Block Num.		3 Street Prefix		Street Name Monte Cristo		4 Street Suffix RD	
Distance from Int. or Ref. Marker 0.23		<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker S		Reference Marker	
Street Desc.		RRX Num.					
Unit Num. 1		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle		<input type="checkbox"/> Hit and Run	
LP State TX		LP Num. R522971		VIN 1 X K Y D P 9 X 1 F J 4 4 8 7 6 9			
Veh. Year 2 0 1 5		6. Veh. Color WHI		Veh. Make KENWORTH		Veh. Model T680	
7 Body Style TT		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DL/ID Type 2		DL/ID State TX		DL/ID Num. 37498292		9 DL Class A	
10 CDL End. N		11 DL Rest. 96		DOB (MM/DD/YYYY) 0 8 / 2 1 / 1 9 8 4			
Address (Street, City, State, ZIP) 7513 Lilia ST Pharr, TX 78577							
Person Num. 1		12 Prsn. Type 1		13 Seat Position 1		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line Carrera, Juan Manuel	
14 Injury Severity N		Age 36		15 Ethnicity H		16 Sex 1	
17 Eject. 1		18 Restr. 1		19 Airbag 1		20 Helmet 97	
21 Sol. N		22 Alc. Spec. 2		Alc. Result		23 Drug Spec. 2	
24 Drug Result 99		25 Drug Category 99		Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee Name & Address Dakota Financial LLC, 7612 Petirrojo ST Edinburg, TX 78542					
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name Brooklyn Specialty Insurance	
Fin. Resp. Phone Num. 305-603-7757		27 Vehicle Damage Rating 1 6 - B R - 1		27 Vehicle Damage Rating 2 - - - - -		Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By AT Wrecker, 956-787-3300		Towed To 93 E. Business 83, Alamo, TX 78516					
Unit Num. 2		5 Unit Desc. 6		<input type="checkbox"/> Parked Vehicle		<input type="checkbox"/> Hit and Run	
LP State TX		LP Num. 128C348		VIN 1 U Y V S 2 5 3 6 7 U 9 5 3 0 1 0			
Veh. Year 2 0 0 7		6. Veh. Color WHI		Veh. Make UTILITY TRAILER MFG		Veh. Model UNKNOWN	
7 Body Style TL		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DL/ID Type		DL/ID State		DL/ID Num.		9 DL Class	
10 CDL End.		11 DL Rest.		DOB (MM/DD/YYYY) / / / / /			
Address (Street, City, State, ZIP)							
Person Num.		12 Prsn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	
14 Injury Severity		Age		15 Ethnicity		16 Sex	
17 Eject.		18 Restr.		19 Airbag		20 Helmet	
21 Sol.		22 Alc. Spec.		Alc. Result		23 Drug Spec.	
24 Drug Result		25 Drug Category		Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee Name & Address Josiah's Trucking LLC, 7612 Petirrojo ST Edinburg, TX 78542					
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type 2		Fin. Resp. Name Brooklyn Specialty Insurance	
Fin. Resp. Phone Num. 305-603-7757		27 Vehicle Damage Rating 1 9 - L B Q - 3		27 Vehicle Damage Rating 2 3 - R F Q - 1		Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By AT Wrecker, 956-787-3300		Towed To 93 E. Bus 83, Alamo, TX 78516					

PC Exhibit

10

Josiah's Trucking LLC; 21-70009

Law Enforcement and TxDOT Use ONLY. Form CR-3 (Rev. 1/1/2018)		Case ID 3223731	TxDOT Crash ID 18030167.1/2020526284		Page 2 of 4																													
DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To		Taken By		Date of Death (MM/DD/YYYY)		Time of Death (24HR:MM)																									
CHARGES	Unit Num.	Prsn. Num.	Charge						Citation/Reference Num.																									
DAMAGE	Damaged Property Other Than Vehicles				Owner's Name				Owner's Address																									
CMV	Unit Num.	1	<input checked="" type="checkbox"/> 10,001+ LBS.	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	CMV Disabling Damage?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	28 Veh. Oper.	1	29 Carrier ID Type	1	Carrier ID Num.		03431516																				
	Carrier's Corp. Name Josiah's Trucking LLC				Carrier's Primary Addr. 7612 Petirrojo ST Edinburg, TX 78542								30 Veh. Type		7																			
	31 Bus Type	0	<input checked="" type="checkbox"/> RGWW <input type="checkbox"/> GVWR	8	0	0	0	0	HazMat Released	<input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.		HazMat ID Num.		33 Cargo Body Type	3																		
	Unit Num.	2	<input checked="" type="checkbox"/> RGWW <input type="checkbox"/> GVWR	1	6	0	0	0	34 Trlr. Type	2	CMV Disabling Damage?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Unit Num.		<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR		34 Trlr. Type		CMV Disabling Damage?	<input type="checkbox"/> Yes <input type="checkbox"/> No														
	Sequence Of Events	35 Seq. 1		2		35 Seq. 2		13		35 Seq. 3		35 Seq. 4		Intermodal Shipping Container Permit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Actual Gross Weight	8	0	0	0	0	Total Num. Axles	6											
FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)					Environmental and Roadway Conditions																							
	Unit #	Contributing			May Have Contrib.		Contributing			May Have Contrib.		38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control																
	1	60										3	2	97	1	4	2	12																
NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary) Unit 1 is towing Unit 2. Unit 1 was traveling north on FM 493. The driver of Unit 1 was traveling north at an unsafe speed due to roadway conditions (light rain, wet road, dark). As Unit 1 was taking the curve, the driver of Unit 1 stated he felt the steering wheel jerk to the right out of his control. Unit 1 jackknifed with Unit 2; striking Unit 2's right front quarter with Unit 1's right passenger side. Unit 3 was traveling south on FM 493. Unit 3 struck Unit 2's left back quarter with its front left. The driver of Unit 1 voluntarily provided a blood specimen for alcohol and drug analysis. Results are pending.										Field Diagram - Not to Scale 																							
INVESTIGATOR	Time Notified (24HR:MM)		0		0		2		1		How Notified		DPS Communications		Time Arrived (24HRMM)		0		0		2		9		Report Date (MM/DD/YYYY)		12 / 19 / 2020							
	Invest. Comp.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Investigator Name (Printed) Castillo, Genaro										ID Num.										13856											
	ORI Num.											*Agency										DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS		Service/Region/DA		H		P		3		A		PC 0038 1

☐ FATAL ☒ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE



Texas Peace Officer's Crash Report (Form CR-3 1/1/2018)

Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457

Refer to Attached Code Sheet for Numbered Fields

*=These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.).

Page 3 of 4

IDENTIFICATION & LOCATION	*Crash Date (MM/DD/YYYY) 1 2 / 1 9 / 2 0 2 0										*Crash Time (24HRMM) 0 0 2 1										Case ID 3223731										Local Use																					
	*County Name HIDALGO																				*City Name																				<input checked="" type="checkbox"/> Outside City Limit											
	In your opinion, did this crash result in at least \$1,000 damage to any one person's property?										<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Latitude (decimal degrees) 2 6 ' 3 1 6 7 8										Longitude — (decimal degrees) 0 9 8 ' 0 3 7 2 1																													
	ROAD ON WHICH CRASH OCCURRED																																																			
*1 Rdwy. Sys. FM					*Hwy. Num. 493					2 Rdwy. Part 1					Block Num.					3 Street Prefix					* Street Name										4 Street Suffix																	
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot										<input type="checkbox"/> Toll Road/Toll Lane					Speed Limit 55					Const. Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Workers Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Street Desc.																						
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER																																																				
At Int.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy. Sys. FM					Hwy. Num. 1925					2. Rdwy. Part 1					Block Num.					3 Street Prefix					Street Name Monte Cristo										4 Street Suffix RD													
Distance from Int. or Ref. Marker 0.23										<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker S										Reference Marker					Street Desc.										RRX Num.															
Unit Num. 3					5 Unit Desc. 1					<input type="checkbox"/> Parked Vehicle					<input type="checkbox"/> Hit and Run					LP State TX					LP Num. MYJ4854					VIN 3 N 1 A B 7 A P 2 F L 6 4 3 2 9 0																						
Veh. Year 2 0 1 5					6. Veh. Color GRY										Veh. Make NISSAN										Veh. Model SENTRA										7 Body Style P4					<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)												
8 DL/ID Type 1					DL/ID State TX					DL/ID Num. 38458464										9 DL Class C					10 CDL End. 96					11 DL Rest. A					DOB (MM/DD/YYYY) 1 2 / 0 2 / 1 9 9 7																	
Address (Street, City, State, ZIP) 1822 E 29th ST Weslaco, TX 78596																																																				
Person Num.		12 Prsn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line															14 Injury Severity		Age		15 Ethnicity		16 Sex		17 Eject.		18 Restr.		19 Airbag		20 Helmet		21 Sol.		22 Alc. Spec.		Alc. Result		23 Drug Spec.		24 Drug Result		25 Drug Category					
1		1		1		Ortiz, Anna Isabel															A		23		H		2		1		1		5		97		N		2				96		97		97					
2		2		3		Tellez Jr, Carlos Alberto															A		22		H		1		1		96		5		97		N		Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.													
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee					Owner/Lessee Name & Address Ortiz, Anna Isabel, 3707 E US Bus 83 Lot 215 Donna, TX 78537																																															
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					<input type="checkbox"/> Expired <input type="checkbox"/> Exempt					26 Fin. Resp. Type 2										Fin. Resp. Name Loya Insurance Company										Fin. Resp. Num. 78525519362																						
Fin. Resp. Phone Num. 800-880-0472															27 Vehicle Damage Rating 1 1 2 - F L - 6										27 Vehicle Damage Rating 2 - - - - -										Vehicle Inventoried <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Towed By Capital Towing, 956-900-1927															Towed To 10415 N. Expy 281, Edinburg, TX 78550																																					
Unit Num.					5 Unit Desc.					<input type="checkbox"/> Parked Vehicle					<input type="checkbox"/> Hit and Run					LP State					LP Num.					VIN																						
Veh. Year					6. Veh. Color										Veh. Make										Veh. Model										7 Body Style					<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)												
8 DL/ID Type					DL/ID State					DL/ID Num.										9 DL Class					10 CDL End.					11 DL Rest.					DOB (MM/DD/YYYY) / /																	
Address (Street, City, State, ZIP)																																																				
Person Num.		12 Prsn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line															14 Injury Severity		Age		15 Ethnicity		16 Sex		17 Eject.		18 Restr.		19 Airbag		20 Helmet		21 Sol.		22 Alc. Spec.		Alc. Result		23 Drug Spec.		24 Drug Result		25 Drug Category					
<input type="checkbox"/> Owner <input type="checkbox"/> Lessee					Owner/Lessee Name & Address																																															
Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No					<input type="checkbox"/> Expired <input type="checkbox"/> Exempt					26 Fin. Resp. Type										Fin. Resp. Name										Fin. Resp. Num.																						
Fin. Resp. Phone Num.															27 Vehicle Damage Rating 1 - - - - -										27 Vehicle Damage Rating 2 - - - - -										Vehicle Inventoried <input type="checkbox"/> Yes <input type="checkbox"/> No																	
Towed By															Towed To																																					

PC_000039

Law Enforcement and TxDOT Use ONLY. Form CR-3 (Rev. 1/1/2018)		Case ID 3223731		TxDOT Crash ID 18030167.1/2020526284		Page 4 of 4																												
DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To		Taken By		Date of Death (MM/DD/YYYY)		Time of Death (24HR:MM)																									
	3	1	Doctors Hospital at Renaissance		Hidalgo County EMS																													
	3	2	Doctors Hospital at Renaissance		Air Evac EMS																													
CHARGES	Unit Num.	Prsn. Num.	Charge						Citation/Reference Num.																									
DAMAGE	Damaged Property Other Than Vehicles				Owner's Name				Owner's Address																									
CMV	Unit Num.	<input type="checkbox"/> 10,001+ LBS.	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	CMV Disabling Damage?	<input type="checkbox"/> Yes <input type="checkbox"/> No	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.																									
	Carrier's Corp. Name				Carrier's Primary Addr.				30 Veh. Type																									
	31 Bus Type	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No		32 HazMat Class Num.	HazMat ID Num.	32 HazMat Class Num.		HazMat ID Num.	33 Cargo Body Type																								
	Unit Num.	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	34 Trlr. Type		CMV Disabling Damage?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Num.	<input type="checkbox"/> RGVW <input type="checkbox"/> GVWR	34 Trlr. Type		CMV Disabling Damage?	<input type="checkbox"/> Yes <input type="checkbox"/> No																						
	Sequence Of Events	35 Seq. 1		35 Seq. 2		35 Seq. 3		35 Seq. 4		Intermodal Shipping Container Permit	<input type="checkbox"/> Yes <input type="checkbox"/> No	Actual Gross Weight	Total Num. Axles																					
FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)					Environmental and Roadway Conditions																							
	Unit #	Contributing			May Have Contrib.		Contributing			May Have Contrib.		38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control																
NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)										Field Diagram - Not to Scale																							
INVESTIGATOR	Time Notified (24HR:MM)		0		0		2		1		How Notified DPS Communications				Time Arrived (24HRMM)		0		0		2		9		Report Date (MM/DD/YYYY)				12 / 19 / 2020					
	Invest. Comp.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Investigator Name (Printed) Castillo, Genaro										ID Num. 13856																					
	ORI Num.											*Agency DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS										Service/Region/DA		H		P		3		A		PC 00040		1



ENTERED
02/02/2021

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

<p>In re</p> <p>JOSIAH'S TRUCKING LLC</p> <p>Alleged Debtor.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Case No. 21-70009</p> <p>(Involuntary Proceeding)</p>
---	--	--

**ORDER FOR THE APPOINTMENT OF AN INTERIM TRUSTEE
Resolving ECF No. 3**

This matter came on for hearing on the 2nd day of February, 2021, upon *Emergency Motion for an Order Appointing an Interim Trustee under 11 U.S.C. § 701 and Granting Emergency Relief* (the "Motion") filed in this involuntary case by the Petitioning Creditors¹, requesting the appointment of an interim trustee pursuant to 11 U.S.C. § 303(g) and Rule 2001 of the Federal Rules of Bankruptcy Procedure. The Court having considered the Motion and any responses thereto, finds that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; that notice of the Motion and the opportunity for hearing on the Motion was appropriate under the particular circumstances; it is

ORDERED that the Motion is GRANTED, the appointment being necessary to protect and preserve property of the Alleged Debtor's estate and to prevent concealment, waste, loss or conversion, if any, of the assets of the estate by the Alleged Debtor. Additionally, there is an immediate need for an investigation of known and potential assets; it is further

ORDERED that the United States Trustee shall appoint an interim trustee under 11 U.S.C. § 701 to preserve property of the estate and to prevent loss to the estate and shall consider the election of the Petitioning Creditors and all parties-in-interest to name an Interim Trustee, pending a full and complete election or decision by creditors, if any should be involved; and it is

further The Petitioning Creditors filing the original Involuntary Petition are: Sonia Tellez, Carlos Tellez and Rosemary Rodriguez, Individually and as next friend of I. Tellez, a minor.

PC Exhibit

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Josiah's Trucking LLC; 21-70009

exhibitstick.com

PC_000041

ORDERED that the duties of the interim trustee shall include the following, but not limited to: (1) take possession of the property of the Alleged Debtor's estate and to operate the Alleged Debtor's business including temporary and preliminary injunctive relief to preserve the proceeds of the Debtor's insurance policies in the hands of any third party; (2) collect and analyze the Alleged Debtor's financial records to identify all property lost through fraudulent transfers and/or preferences, if any, and to bring the property back into the estate for the benefit of creditors; and (3) taking of all other acts necessary to preserve and protect the property of the estate, including taking possession of property as might be necessary to prevent any further loss to the estate.

ORDERED that, pursuant to Rule 2001(b) of the Federal Rules of Bankruptcy Procedure, the appointment of the interim trustee by the United States Trustee is contingent upon the furnishing of a bond by the Petitioning Creditors in the amount of \$100.00 conditioned to indemnify the Alleged Debtor for costs, attorney's fees, expenses, and damages allowable under 11 U.S.C. § 303(i).

Signed: February 02, 2021



Eduardo V. Rodriguez
United States Bankruptcy Judge

Pulman, Cappuccio & Pullen, LLP

Attorneys & Counselors

Catherine Stone Curtis
(956) 467-1900 x402
ccurtis@pulmanlaw.com

2161 NW Military Highway, Suite 400
San Antonio, Texas 78213
www.pulmanlaw.com
Telephone: (210) 222-9494
Facsimile: (210) 892-1610

Office Locations:
San Antonio
Dallas / Fort Worth
(By Appointment Only)
McAllen

February 5, 2021

VIA HAND DELIVERY VIA COURIER SERVICE
VIA LONE STAR OVERNIGHT
VIA CERTIFIED MAIL, RRR

Josiah's Trucking, LLC
Attn: David Vasquez, Registered Agent
7612 Petirrojo Street
Edinburg, Texas 78542

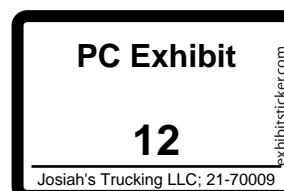
Re: *Bankruptcy Case No. 21-70009; In re Josiah's Trucking, LLC, Alleged Debtor;*
IMMEDIATE ATTENTION REQUIRED

Dear Mr. Vasquez:

I am the interim trustee appointed in the involuntary bankruptcy proceeding filed against Josiah's Trucking, LLC, of which you are the managing member and registered agent. A copy of the bankruptcy court's order appointing an interim trustee in the case and the United States Trustee's Notice of my appointment are attached for your reference.

As trustee, I write today to: take possession of the property belonging to Josiah's Trucking, LLC; collect and analyze the financial records of Josiah's Trucking LLC; take all acts necessary to preserve and protect property of the estate, and all other acts authorized by the court's order and Title 11 of the United States Code (the "Bankruptcy Code"). Accordingly, I demand immediate turnover of:

- (1) The location, access/gate code information, keys, titles, and all other identifying information for all vehicles, equipment, office furniture, or any other personal property or assets belonging to Josiah's Trucking, LLC, **no later than 5:00 p.m. on Monday, February 8, 2021**. Regarding any vehicles or other equipment in particular, please provide the physical location and access information and provide the keys to my office location, which is provided below.
- (2) The QuickBooks (or similar bookkeeping software, if used in the past two (2) calendar or fiscal years of the company) extract file for 2019, 2020, and 2021, including user names



Page 2 of 2

Letter to David Vasquez

February 5, 2021

and passwords, delivered via DropBox or similar to ccurtis@pulmanlaw.com, **no later than 5:00 p.m. on Monday, February 8, 2021.**

- (3) The last two (2) years of complete bank statements, from including complete account numbers on the statements, for any financial account to which Josiah's Trucking, LLC or you, on behalf of Josiah's Trucking, LLC, has signatory authority, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**
- (4) The last two (2) years of filed tax returns for Josiah's Trucking, LLC, including all depreciation or other attached schedules, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**
- (5) The and 2019 and 2020 general ledger, end of year balance sheet, end of year profit and loss statement, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**
- (6) Copies of all insurance policies including riders, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**

My physical office address is:

Pulman, Cappuccio & Pullen LLP
6316 N. 10th St. Bldg. A, Ste. 102
McAllen, Texas 78504.

Please call 956-467-1900 ext. 405 upon your arrival.

Thank you for your prompt cooperation.

Sincerely,



Catherine Stone Curtis

CSC

Enclosures

cc: Mr. Simon Meyer, via email simon.meyer@lockelord.com

Invoice		SHIP TO	
<p>Address: Mary Garcia 6316 N. 10th St McAllen TX.</p>		<p>Address: David Vasquez 7612 Petrosos St. Edinburg TX 78542</p>	
CITY, STATE, ZIP		CITY, STATE, ZIP	
CUSTOMER ORDER NO.		TERMS	DATE
		Sold by	2/8/21
1 Env. mail		Sumeday	
<p>Received by: <u>Thammy Lara</u> <u>Syn Thammy Lara</u> <u>2/8/21</u></p>			

PC Exhibit
13
Josiah's Trucking LLC; 21-70009

465152

USPS TRACKING#

9590 9402 5458 9189 0287 02

United States Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box®

Catherine S. Curtis, Ch 7 Trustee
Pulman, Cappuccio & Pullen, LLP
P.O. Box 720788
McAllen, TX 78504

SENDER: COMPLETE THIS SECTION

☒ Complete items 1, 2, and 3.
☒ Print your name and address on the reverse so that we can return the card to you.
☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Josiah's Trucking, LLC
Attn: David Vasquez, Registered Agent
7612 Pettitrojo Street
Edinburg, TX 78542

9590 9402 5458 9189 0287 02

2. Article Number (Transfer from service label)

7019 2280 0000 5537 7763

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x *Josiah A* ☐ Agent ☐ Addressee

B. Received by (Printed Name)
Josiah A

C. Date of Delivery
2-8-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



WWW.LSO.COM
Questions? Call 800-800-8984

Airbill No. LSO0AZGC

1. To: Print Name (Person) <u>David Vasquez</u> Phone (important) _____ Company Name <u>Josiah's Trucking LLC</u> Street Address (No P.O. Box or P.O. Box Zip Code Deliveries) <u>7612 Petronijo Street</u> Suite / Floor _____ City <u>Edinburg</u> State <u>Texas</u> Zip <u>78542</u>		2. From: Print Name (Person) <u>Catherine S. Curtis</u> Phone (important) <u>(561) 467-1900</u> Company Name <u>Pulman, Cappuccio & Pullen LLP</u> Street Address <u>6316 N. 10th St.</u> Suite / Floor _____ City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>	
3. Service: Visit www.lso.com for availability of services to your destination and enjoy added features by creating your shipping label online. <input checked="" type="checkbox"/> LSO Priority Overnight* By 10:30 a.m. to most cities <input type="checkbox"/> LSO Early Overnight* By 8:30 a.m. select cities <input type="checkbox"/> LSO Economy Next Day* By 3 p.m. to most cities <input type="checkbox"/> LSO 2nd Day* <input type="checkbox"/> Deliver Without Delivery Signature (See Limits of Liability below) Release Signature _____ L _____ x W _____ x H _____		4. Package: Weight: _____ Declared Value: _____ Your Company's Billing Reference Information <u>Ltr to Josiah's Trucking</u> <u>21-70009 2050.834</u> Ship Date: (mm/dd/yy) <u>2 ' 5 ' 21</u> 5. Payment: Bill To Account Number <u>33068</u> DON'T HAVE AN ACCOUNT NUMBER? No problem! Pay by CREDIT CARD online. Visit LSO.COM and click the "SHIP WITH CREDIT CARD" button to pay for your shipments securely online. Or open an account today at LSO.COM . For Your Security, LSO No Longer Accepts Credit Card Numbers Written On Airbills.	
		FOR DRIVER USE ONLY Driver Number _____ <input type="checkbox"/> Check here if LSO Supplies are used with LSO Ground Service. Pick-up Location _____ Date: _____ Time: _____ City Code: _____	

ILLEGIBLE HANDWRITING ON AIRBILL MAY DELAY TRANSIT TIMES OR RESULT IN NON-DELIVERY. LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. "Signature Required" service is only available when printing a label online at LSO.com. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR LSO EARLY OVERNIGHT SERVICE. Packaging provided by LSO is for EXPRESS USE ONLY - NEVER TO BE USED FOR LSO GROUND SERVICE. OVERSIZE RATES MAY APPLY. DELIVERY COMMITMENTS MAY VARY. ADDITIONAL FEES MAY APPLY. See LSO Service Guide for further details.

PULMAN, CAPPUCCIO & PULLEN, LLP
ATTORNEYS & COUNSELORS

CATHERINE STONE CURTIS
(956) 467-1900 X402
CCURTIS@PULMANLAW.COM

2161 NW MILITARY HIGHWAY, SUITE 400
SAN ANTONIO, TEXAS 78213
WWW.PULMANLAW.COM
TELEPHONE: (210) 222-9494
FACSIMILE: (210) 892-1610

OFFICE LOCATIONS:
SAN ANTONIO
DALLAS / FORT WORTH
(BY APPOINTMENT ONLY)
MCALLEN

February 9, 2021

VIA LONE STAR OVERNIGHT
VIA CERTIFIED MAIL, RRR
VIA FIRST CLASS U.S. MAIL

Josiah's Trucking, LLC
Attn: David Vasquez, Registered Agent
7612 Petirrojo Street
Edinburg, Texas 78542

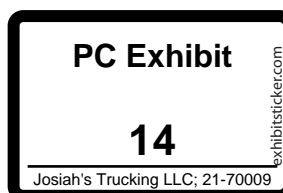
Re: *Bankruptcy Case No. 21-70009; In re Josiah's Trucking, LLC, Alleged Debtor;*
IMMEDIATE ATTENTION REQUIRED

Dear Mr. Vasquez:

I am the interim trustee appointed in the involuntary bankruptcy proceeding filed against Josiah's Trucking, LLC (the "Alleged Debtor"), of which you are the managing member and registered agent. I sent you the enclosed correspondence on February 5, 2021, requesting turnover of the Alleged Debtor's assets. A copy of the letter was re-delivered to you by courier on Monday, February 8, 2021. To date, you have not responded to the letter or turned over any records or assets.

I again demand turnover of the Alleged Debtor's assets and financial records as stated in the enclosed letter. If you do not provide these documents **by 5:00 p.m. on Thursday, February 11, 2021**, I will file appropriate pleadings with the United States Bankruptcy Court for the Southern District of Texas, McAllen Division, to compel your compliance, and may request attorney's fees and expenses.


I am sending this letter directly to you because it is my understanding that you are not represented by an attorney. If you have questions about what your rights are, you should consult with an attorney. Neither me, my staff, nor any professional employed on my behalf can provide you with legal advice.



Page 2 of 2
Letter to David Vasquez
February 9, 2021

Thank you for your prompt cooperation.

Sincerely,



Catherine Stone Curtis

CSC/
Enclosures

cc: Mr. Simon Mayer, *via email* simon.mayer@lockelord.com

Pulman, Cappuccio & Pullen, LLP
Attorneys & Counselors

Catherine Stone Curtis
(956) 467-1900 x402
ccurtis@pulmanlaw.com

2161 NW Military Highway, Suite 400
San Antonio, Texas 78213
www.pulmanlaw.com
Telephone: (210) 222-9494
Facsimile: (210) 892-1610

Office Locations:
San Antonio
Dallas / Fort Worth
(By Appointment Only)
McAllen

February 5, 2021

VIA HAND DELIVERY VIA COURIER SERVICE
VIA LONE STAR OVERNIGHT
VIA CERTIFIED MAIL, RRR

Josiah's Trucking, LLC
Attn: David Vasquez, Registered Agent
7612 Petirrojo Street
Edinburg, Texas 78542

Re: *Bankruptcy Case No. 21-70009; In re Josiah's Trucking, LLC, Alleged Debtor;*
IMMEDIATE ATTENTION REQUIRED

Dear Mr. Vasquez:

I am the interim trustee appointed in the involuntary bankruptcy proceeding filed against Josiah's Trucking, LLC, of which you are the managing member and registered agent. A copy of the bankruptcy court's order appointing an interim trustee in the case and the United States Trustee's Notice of my appointment are attached for your reference.

As trustee, I write today to: take possession of the property belonging to Josiah's Trucking, LLC; collect and analyze the financial records of Josiah's Trucking LLC; take all acts necessary to preserve and protect property of the estate, and all other acts authorized by the court's order and Title 11 of the United States Code (the "Bankruptcy Code"). Accordingly, I demand immediate turnover of:

- (1) The location, access/gate code information, keys, titles, and all other identifying information for all vehicles, equipment, office furniture, or any other personal property or assets belonging to Josiah's Trucking, LLC, **no later than 5:00 p.m. on Monday, February 8, 2021.** Regarding any vehicles or other equipment in particular, please provide the physical location and access information and provide the keys to my office location, which is provided below.
- (2) The QuickBooks (or similar bookkeeping software, if used in the past two (2) calendar or fiscal years of the company) extract file for 2019, 2020, and 2021, including user names

Page 2 of 2
Letter to David Vasquez
February 5, 2021

and passwords, delivered via DropBox or similar to ccurtis@pulmanlaw.com, **no later than 5:00 p.m. on Monday, February 8, 2021.**

- (3) The last two (2) years of complete bank statements, from including complete account numbers on the statements, for any financial account to which Josiah's Trucking, LLC or you, on behalf of Josiah's Trucking, LLC, has signatory authority, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**
- (4) The last two (2) years of filed tax returns for Josiah's Trucking, LLC, including all depreciation or other attached schedules, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**
- (5) The and 2019 and 2020 general ledger, end of year balance sheet, end of year profit and loss statement, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**
- (6) Copies of all insurance policies including riders, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address **no later than 5:00 p.m. on Monday, February 8, 2021.**

My physical office address is:

Pulman, Cappuccio & Pullen LLP
6316 N. 10th St. Bldg. A, Ste. 102
McAllen, Texas 78504.

Please call 956-467-1900 ext. 405 upon your arrival.

Thank you for your prompt cooperation.

Sincerely,



Catherine Stone Curtis

CSC
Enclosures

cc: Mr. Simon Meyer, via email simon.meyer@lockelord.com



ENTERED
02/02/2021

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

In re	§	Case No. 21-70009
	§	
JOSIAH'S TRUCKING LLC	§	(Involuntary Proceeding)
	§	
Alleged Debtor.	§	

ORDER FOR THE APPOINTMENT OF AN INTERIM TRUSTEE
Resolving ECF No. 3

This matter came on for hearing on the 2nd day of February, 2021, upon *Emergency Motion for an Order Appointing an Interim Trustee under 11 U.S.C. § 701 and Granting Emergency Relief* (the "Motion") filed in this involuntary case by the Petitioning Creditors¹, requesting the appointment of an interim trustee pursuant to 11 U.S.C. § 303(g) and Rule 2001 of the Federal Rules of Bankruptcy Procedure. The Court having considered the Motion and any responses thereto, finds that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; that notice of the Motion and the opportunity for hearing on the Motion was appropriate under the particular circumstances; it is

ORDERED that the Motion is GRANTED, the appointment being necessary to protect and preserve property of the Alleged Debtor's estate and to prevent concealment, waste, loss or conversion, if any, of the assets of the estate by the Alleged Debtor. Additionally, there is an immediate need for an investigation of known and potential assets; it is further

ORDERED that the United States Trustee shall appoint an interim trustee under 11 U.S.C. § 701 to preserve property of the estate and to prevent loss to the estate and shall consider the election of the Petitioning Creditors and all parties-in-interest to name an Interim Trustee, pending a full and complete election or decision by creditors, if any should be involved; and it is

further The Petitioning Creditors filing the original Involuntary Petition are: Sonia Tellez, Carlos Tellez and Rosemary Rodriguez, Individually and as next friend of I. Tellez, a minor.

ORDERED that the duties of the interim trustee shall include the following, but not limited to: (1) take possession of the property of the Alleged Debtor's estate and to operate the Alleged Debtor's business including temporary and preliminary injunctive relief to preserve the proceeds of the Debtor's insurance policies in the hands of any third party; (2) collect and analyze the Alleged Debtor's financial records to identify all property lost through fraudulent transfers and/or preferences, if any, and to bring the property back into the estate for the benefit of creditors; and (3) taking of all other acts necessary to preserve and protect the property of the estate, including taking possession of property as might be necessary to prevent any further loss to the estate.

ORDERED that, pursuant to Rule 2001(b) of the Federal Rules of Bankruptcy Procedure, the appointment of the interim trustee by the United States Trustee is contingent upon the furnishing of a bond by the Petitioning Creditors in the amount of \$100.00 conditioned to indemnify the Alleged Debtor for costs, attorney's fees, expenses, and damages allowable under 11 U.S.C. § 303(i).

Signed: February 02, 2021



Eduardo V. Rodriguez
United States Bankruptcy Judge

USPS TRACKING#

9590 9402 5458 9189 0287 33

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

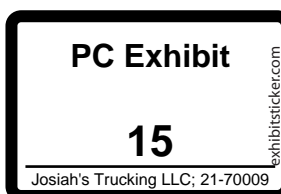
Catherine S. Curtis, Ch 7 Trustee
Pulman, Cappuccio & Pullen, LLP
P.O. Box 720788
McAllen, TX 78504

21-70009

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-40

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Article Addressed to:</p> <p>Josiah's Trucking, LLC Attn: David Vasquez 7612 Petirrojo Street Edinburg, TX 78542</p> <p>9590 9402 5458 9189 0287 33</p>	<p>A. Signature</p> <p>X <i>Fuley, A</i></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p><i>Fuley, A</i></p> <p>C. Date of Delivery</p> <p><i>2-10-20</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p>	<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>Article Number (Transfer from service label)</p> <p>7019 2280 0000 5537 7749</p>	<p>Domestic Return Receipt</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053



Airbill No. 50132850

1. To: Print Name (Person) <u>David Vasquez</u> Phone (Important) _____ Company Name <u>Josiah's Trucking, LLC</u> Street Address (No P.O. Box or P.O. Box Zip Code* Deliveries) <u>7612 Pottinger Street</u> Suite / Floor _____ City <u>Edinburg</u> State <u>Texas</u> Zip <u>78542</u>		2. From: Print Name (Person) <u>Catherine S. Curtiel (956) 467-1900</u> Phone (Important) _____ Company Name <u>Palman Cappuccino & Pallen, LLP</u> Street Address <u>6316 N. 10th St.</u> Suite / Floor _____ City <u>McAllen</u> State <u>Texas</u> Zip <u>78504</u>	
3. Service: Visit www.lso.com for availability of services to your destination and enjoy added features by creating your shipping label online. <input checked="" type="checkbox"/> LSO Priority Overnight* By 10:30 a.m. to most cities <input type="checkbox"/> LSO Ground <input type="checkbox"/> LSO Saturday* <input type="checkbox"/> LSO Early Overnight* By 8:30 a.m. select cities <input type="checkbox"/> LSO Economy Next Day* By 3 p.m. to most cities <input type="checkbox"/> LSO 2nd Day* *Check commitment times and availability at www.lso.com Assumed LSO Priority Overnight service unless otherwise noted. <input type="checkbox"/> Deliver Without Delivery Signature (See Limits of Liability below) Release Signature _____ L _____ x W _____ x H _____		4. Package: Weight: _____ Declared Value: _____ Your Company's Billing Reference Information <u>Ltr to David Vasquez d 2/9/21</u> <u>21-70009 1050.834</u> Ship Date: (mm/dd/yy) <u>2 ' 9 ' 21</u> 5. Payment: Bill To Account Number <u>33068</u> Bill To Credit Card - MC, VISA, AMEX, DISCOVER _____ Credit Card Number _____ Expiration Date: (mm/yy) _____ / _____	
		FOR DRIVER USE ONLY Driver Number _____ <input type="checkbox"/> Check here if LSO Supplies are used with LSO Ground Service. Pick-up Location _____ Date: _____ Time: _____ City Code: _____	

LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. **NO DELIVERY SIGNATURE WILL BE OBTAINED FOR LSO EARLY OVERNIGHT SERVICE. PACKAGING PROVIDED BY LSO IS NOT INTENDED FOR USE ON LSO GROUND SERVICE. OVERSIZE RATES MAY APPLY. DELIVERY COMMITMENTS MAY VARY. ADDITIONAL FEES MAY APPLY.**

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

In Re:
JOSIAH'S TRUCKING, LLC
Debtor(s)

§
§
§

Case No. 21-70009-EVR
(Involuntary Proceeding)
Chapter 7

CERTIFICATE OF SERVICE OF ORDER SETTING HEARING
[Relates to Docket No. 26]

The signature below certifies that a notice has been served by first class U.S. mail or the method indicated below on February 12, 2021, that a telephonic and video hearing will be held on *Emergency Motion to Compel Alleged Debtor to Turn Over Property of the Estate* [Docket No. 26] on **February 19, 2021, at 10:30 a.m.** by Telephonic and Video Participation:

Dial-in Telephone number: 1-712-775-8972 Conference Code: 999276.

Video participation as instructed on Judge Eduardo V. Rodriguez's web page on the Southern District of Texas Bankruptcy Court website, [United States Bankruptcy Judge Eduardo V. Rodriguez | Southern District of Texas \(uscourts.gov\)](https://www.uscourts.gov/judges/eduardo-v-rodriguez).

Date: February 12, 2021

Respectfully submitted,

/S/CATHERINE S. CURTIS

Catherine Stone Curtis

Texas Bar No. 24074100

Federal ID No. 1129434

Pulman, Cappuccio & Pullen, LLP

P.O. Box 720788

McAllen, TX 78504

Ph: (956) 467-1900

Fax: (956) 331-2815

Email: ccurtis@pulmanlaw.com

CHAPTER 7 TRUSTEE

U.S. Trustee (VIA CM/ECF Notice only)
US Trustee (and via email: AliciaMcCullar@usdoj.gov)
606 N. Carancahua Street Ste 1107
Corpus Christi, Texas 78401

Josiah's Trucking, LLC
c/o David Vasquez, Registered Agent
7612 Petirrojo Street
Edinburg, Texas 78542
Alleged Debtor
Via US Mail and Via Certified Mail RRR

Shelby Jordan (and via email:
sjordan@jhwclaw.com, aortiz@jhwclaw.com)
Antonio Ortiz
Jordan, Holzer & Ortiz, P.C.
500 N. Shoreline Blvd., Ste 900
Corpus Christi, Texas 78401
Counsel for Petitioning Creditors

Luis M. Cardenas (and via email:
luis@escobedocardenas.com)
Escobedo & Cardenas, L.L.P.
1602 Dulcinea
Edinburg, Texas 78539
*Attorney for Sonia Tellez, Carlos Tellez and
Rose Mary Rodriguez, Individually and As
Next Friend of I. Tellez, a minor*

Matthew Okin (and via email:
mokin@okinadams.com)
Okin Adams LLP
1113 Vine St. Ste. 240
Houston, Texas 77002
*Attorney for The Law Office of
Rogelio Solis; Rogelio Solis;
Ana Gomez, individually and obo
Anna Isabel Ortiz, deceased*

Jason A. Powers (and via email:
jason.powers@lewisbrisbois.com)
Lewis Brisbois Bisgaard & Smith LLP
24 Greenway Plaza Drive, Ste. 1400
Houston, Texas 77046
*Attorney for Brooklyn Specialty
Insurance*

/S/CATHERINE STONE CURTIS
Catherine Stone Curtis

{00517829}

PC_000057



ENTERED
02/12/2021

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN

IN RE:

JOSIAH'S TRUCKING, LLC,
Debtor.

§
§
§
§
§

CASE NO: 21-70009

CHAPTER 7

ORDER
SETTING ELECTRONIC HEARING
Regarding ECF No. 26

1. A hearing on Emergency Motion to Compel Alleged Debtor to Turn Over Property of the Estate [Relates to Docket No. 15], ECF No. 26, shall be conducted electronically before the United States Bankruptcy Court, Southern District of Texas, McAllen Division on **February 19, 2021 at 10:30 a.m.** (Central Standard Time).
2. To participate electronically, parties must follow the instructions set forth on Judge Rodriguez's web page located at: <https://www.txs.uscourts.gov/content/united-states-bankruptcy-judge-eduardo-v-rodriguez>. Parties are additionally instructed to:
 - a. call in utilizing the dial-in-number for hearings before Judge Rodriguez at 712.775.8972, conference room number 999276 and to
 - b. log on to GoToMeeting for video appearances and witness testimony, utilizing conference code: judgerodriguez.
3. **Use of speaker phones are not permitted. Parties wishing to participate in the hearing must either pick up the receiver, or utilize some form of head set such as ear buds or headphones. Participants may not have more than one open phone line while participating.**
4. Parties must comply with Bankruptcy Local Rule 9013-2 and Judge Rodriguez's Court Procedures Section VII(b) regarding the exchange and submission of electronic exhibits.
5. Within two business days of receipt of this Order, Movant must serve a copy of this Order on all parties entitled to notice of the hearing and file a certificate of service with the Clerk's office.

SIGNED 02/12/2021


Eduardo Rodriguez
United States Bankruptcy Judge